



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of
Burbank et al.

For: **TISSUE SITE MARKERS FOR IN VIVO
IMAGING**

Serial No.: 10/658,911

Filed: September 10, 2003

Docket No.: R0367-01601

) Examiner: Not yet assigned

) Group Art Unit: 1616

**PETITION FOR
RECONSIDERATION OF NOTICE
OF OMITTED ITEM(S)**

CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8

I hereby certify that this paper is being deposited in the U.S. Postal Service as first class mail with sufficient postage addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 6/17/2004, in San Francisco, CA.

By: Patent Office

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants have received the Notice Of Omitted Item(s) In A Nonprovisional Application, mailed June 2, 2004 and having a response due August 2, 2004 in the above-referenced application. The Notice Of Omitted Item(s) states that "Figure(s) 7, 8 described in the specification" were omitted from the application papers.

Applicants hereby petition to the Patent Office for reconsideration of the Notice Of Omitted Item(s) in the above-referenced application filed on September 10, 2003. Applicants respectfully assert that the formal drawings in the above-referenced inclusive of Figures 7, 8 were expressed mailed on September 10, 2003 in its entirety (8 sheets total). Enclosed herewith is a copy of the self-stamped return receipt postcard from the Patent Office which acknowledges receipt of the above-referenced formal drawings in its entirety as expressed mailed on September 10, 2003. the Patent Office acknowledged receiving 8 sheets of formal drawings.

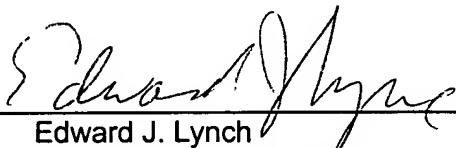
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Based on the aforementioned facts, Applicants believe themselves not to be in error of omitting Figures 7 and 8. The Petition fee under 37 C.F.R. §1.17(h) is enclosed herewith in that the Commissioner is hereby authorized to charge any additional fees and to credit any overpayment of fees which may be required under 37 C.F.R. §§1.16 and 1.17 to Deposit Account No. 04-1679, referencing Attorney Docket No. R0367-01601. Applicants respectfully submit that Figures 7 and 8 in the above-referenced application were indeed included with the application at the time of filing and respectfully request reconsideration.

Respectfully submitted,

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